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12
13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
15

16 CLINTON BROWN,
17 Plaintiff,
18 v.

19 CLARK R. TAYLOR, AICP, THE
LOS ANGELES COUNTY
20 DEPARTMENT OF REGIONAL
PLANNING,
21 Defendants.
22

Case No. 2:22-cv-09203-MEMF-KS

**DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION TO ALTER
OR AMEND JUDGMENT**

Assigned to:
Hon. Maame Ewusi-Mensah Frimpong
Courtroom "8B"

Magistrate Judge Karen L. Stevenson
Courtroom "580"

23
24 **I. INTRODUCTION**

25 On August 20, 2025 this Court entered judgement in favor of Defendant and
26 in response to Defendant's motion to dismiss the claims brought by Plaintiff Clinton
27 Brown ("Plaintiff"). In reaching its decision, on May 15, 2024, this Court issued a
28 Report and Recommendation of United States Magistrate Judge (Dkt. No. 165.) In

1 that Report, the Court thoroughly and accurately noted the facts of the case and
2 conducted a legal analysis of Defendant's Motion for Summary Judgment.
3 Additionally, the Court clearly outlined the reasons for the Court's recommendation
4 that Defendant's Motion for Summary Judgment be granted in full and the action be
5 dismissed with prejudice.

6 Now, Plaintiff seeks to alter or amend that judgment pursuant
7 to Federal Rule of Civil Procedure 59(e) ("Rule 59(e)"), which requires the moving
8 party to demonstrate a clear error, newly discovered evidence, or an intervening
9 change in law. Plaintiff's motion is premised only on an alleged clear error, so
10 Defendant need not address any alleged newly discovered evidence or an intervening
11 change in law.

12 Regardless, it is well-settled that the extraordinary relief
13 under Rule 59(e) should be reserved for "highly unusual circumstances," and not as a
14 method for the court to revisit its prior decisions. Plaintiff argues that Rule 59(e) relief
15 is appropriate here because the Court applied an incorrect legal standard under the
16 Takings Clause by granting summary judgment without ever identifying what uses, if
17 any, remain available to Plaintiff, and secondly, alleged the Court applied an incorrect
18 summary judgment standard by resolving evidence against the nonmovant and
19 foreclosing a jury determination of disputed facts. However, Plaintiff's rationale is
20 incorrect and does not meet the high threshold requirements under a Rule 59 motion.

21 Firstly, besides Plaintiff's own personal beliefs, Plaintiff fails to identify any
22 clear or manifest error in the Court's ruling on Defendant's Motion for Summary
23 Judgment.

24 Second, Plaintiff fails to proffer any newly discovered evidence or previously
25 unavailable evidence that would justify further relief. Accordingly, Plaintiff cannot
26 establish that relief under Rule 59(e) is warranted, and Defendant respectfully
27 requests that this Court deny Plaintiff's motion.

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II. PROCEDURAL BACKGROUND

On December 17, 2022, Plaintiff, filed a civil rights complaint under 42 U.S.C. section 1983, concerning the denial of Plaintiff's application for a 20-megawatt solar farm at a property located in Calabasas, California. (Dkt. No 1.) On January 30, 2023, Defendant filed an Answer to Plaintiff's Complaint. (Dkt. No. 10.)

On October 18, 2023, Defendant filed a Motion for Summary Judgment. (Dkt. No. 82.) On December 27, 2023, Plaintiff filed an Opposition to the Motion. (Dkt. Nos. 115, 118.) On January 17, 2024, Defendant filed a Reply in support of the Motion. (Dkt. No. 123.) On May 15, 2024, this Court issued a Report and Recommendation of United States Magistrate Judge recommending that Defendant's Motion for Summary Judgment be Granted in full and this action be dismissed with prejudice. (Dkt. No. 165.)

Thereafter, on February 3, 2025, Plaintiff filed a Motion for Leave to Amend Complaint, while the Motion for Summary Judgment was pending. (Dkt. No. 189.) On March 5, 2025, Defendant filed an Opposition to the Motion to Amend. (Dkt. No. 194.) On March 12, 2025, Plaintiff filed a Reply. (Dkt. No. 196.)

On March 27, 2025, the presiding District Judge accepted the Report and granted summary judgment in full but delayed entering judgment in this case until the Motion to Amend was decided. (Dkt. No. 198.) On April 21, 2025, this Court issued a Report and Recommendation of United States Magistrate Judge wherein the Court recommended that the District Judge issue an Order: 1) accepting the report and Recommendation; (2) denying Plaintiff's Motion to Amend; and (3) in conjunction with the Court's grant of summary judgment on March 27, 2025, entering Judgment dismissing this action with prejudice.

On August 20, 2025, this Court entered Judgment against Plaintiff and dismissed this action with prejudice.

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III. LEGAL STANDARD

Federal Rule of Civil Procedure 59(e) authorizes a motion to alter or amend a judgment. Fed. R. Civ. P. 59(e). In the Ninth Circuit, a motion to alter or amend judgment brought under Rule 59(e) is an “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources.” *Wood v. Ryan*, 759 F.3d 1117, 1121 (9th Cir. 2014); *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000).

A district court should not grant a motion for reconsideration “absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law.” 389 *Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999) (citing *School Dist. No. 1J v. AcandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)); *see also Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 817 (1988) (holding that a court should be loathe to revisit its own decisions unless extraordinary circumstances show that its prior decision was clearly erroneous or would work a manifest injustice). Thus, a Rule 59(e) amendment is only appropriate where: (1) the motion is “necessary to correct manifest errors of law or fact upon which the judgment rests,” (2) the motion is “necessary to present newly discovered or previously unavailable evidence,” (3) the motion is “necessary to prevent manifest injustice,” or (4) “the amendment is justified by an intervening change in controlling law.” *Allstate Ins. Co. v. Herron*, 634 F.3d 1101, 1111 (9th Cir. 2011); *Kona Enters.*, 229 F.3d at 890.

The standard for a Rule 59(e) motion is a “high hurdle.” *Weeks v. Bayer*, 246 F.3d 1231, 1236 (9th Cir. 2001). Mere dissatisfaction with the court's order, or belief that the court is wrong in its decision, is not grounds for relief under Rule 59(e). *Duarte Nursery, Inc. v. United States Army Corps of Engineers*, 2017 WL 1105993, at *2 (E.D. Cal. Mar. 24, 2017) (citing *Twentieth Century--Fox Film Corp. v. Dunnahoo*, 637 F.2d 1338, 1341 (9th Cir. 1981)); *see also United States*

1 *v. Univ. of Phoenix*, 2014 WL 6473794, at *2 (E.D. Cal. Nov. 18, 2014). Significantly,
2 a Rule 59(e) motion “may not be used to raise arguments or present evidence for the
3 first time when they could reasonably have been raised earlier in the litigation.” *Kona*
4 *Enters.*, 229 F.3d at 890.

5 **IV. LEGAL ARGUMENT**

6 **A. Plaintiff Cannot Show the Court Committed a Manifest Error.**

7 Plaintiff seeks to alter or amend the judgment and requests that the Court “alter
8 or amend its judgment under Rule 59(e), vacate the prior judgment, deny Defendant’s
9 motion for summary judgment, and set this matter for trial.” Plaintiff fails to identify
10 any clear or manifest error in the Court’s judgment.

11 Plaintiff fails to show that the Court’s ruling, and following judgment, amount
12 to a manifest error that is *clearly erroneous*, as required. *See Arnold*, 179 F.3d at
13 665 (a district court should not grant a motion for reconsideration “unless the district
14 court...committed clear error....”); *Herron*, 634 F.3d at
15 1111 (a Rule 59(e) amendment is only appropriate where, among other things, the
16 motion is “necessary to correct manifest errors of law or fact upon which the judgment
17 rests[.]”). Courts within this Circuit hold that in order to show a “clear error,” the
18 moving party must “set forth facts or law of a strongly convincing nature to induce
19 the court to reverse its prior decision.” *Walsh v. Am. Med. Response*, 2015 WL
20 1898062, at *2 (E.D. Cal. Apr. 24, 2015) (citations omitted). Clear error is “ ‘more
21 than just maybe or probably wrong; it must be dead wrong.’ ” *Campion v. Old Repub.*
22 *Home Prot. Co., Inc.*, 2011 WL 1935967, at *1 (S.D. Cal. May 20, 2011).

23 Here, Plaintiff does not provide facts or law that establish the Court’s ruling
24 was clearly erroneous, or “dead wrong.” Instead, Plaintiff merely regurgitates his
25 string of arguments which have previously been heard and decided on by this Court.
26 Accordingly, Plaintiff cannot show that the Court’s decision was clearly erroneous.
27 Additionally, Plaintiff’s motion makes clear that he is simply dissatisfied with the
28 Court’s ruling, but mere dissatisfaction is not grounds for altering judgment

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1 under Rule 59(e). Despite the numerous cases contradicting Plaintiff's position,
2 Plaintiff attempts to re-argue the merits of the case and basis of the Court's
3 ruling. However, courts are clear that the extraordinary relief provided
4 by Rule 59(e) should not be used to re-argue contentions or prior
5 considerations. *See Costello v. United States*, 765 F.Supp. 1003, 1009 (C.D. Cal.
6 1991) (“courts avoid considering Rule 59(e) motions where the grounds for
7 amendment are restricted to either repetitive contentions of matters which were before
8 the court on its prior consideration or contentions which might have been raised prior
9 to the challenged judgment.”); *Walsh v. Am. Med. Response*, 2015 WL 1898062, at
10 *2 (E.D. Cal. Apr. 24, 2015) (citing cases for the proposition that Rule 59(e) motions
11 are not intended to “give an unhappy litigant one additional change to sway the
12 judge.”). To the extent Plaintiff attempts to use a Rule 59(e) motion as a method to
13 force this Court to provide further clarification to its prior ruling and judgment, it is
14 improper.

15 Since Plaintiff has not, and cannot, show that this Court's decision was clearly
16 erroneous, he fails to meet the threshold requirement under Rule 59(e). As such,
17 Defendant respectfully requests that this Court deny Plaintiff's motion.

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1 **V. CONCLUSION**

2 As set forth above, Plaintiff's motion does not meet the high standard for relief
3 under Rule 59(e). Specifically, Plaintiff cannot show any clear error in the judgment,
4 as numerous cases within this District allow for dismissals with prejudice on similar
5 claims. Moreover, Plaintiff has not identified any intervening law, manifest injustice,
6 or newly discovered facts that would warrant such extraordinary relief. As such,
7 Defendant respectfully requests that the Court deny Plaintiff's motion.

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9 DATED: September 29, 2025 HURRELL CANTRALL LLP

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12 By: /s/ Sanaz Rashidi
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